IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3728 OF 1994

Vinayakrao Mansingrao Gharge, .. Petitioner

Vs

1. Atmaram Baburao Gharge and ors .. Respondents

Mr H.D.Gole & P.D.Gharge, for the petitioner.

CORAM : D.B.BHOSALE,J.

DATE : 1st September, 2005.

PC:

1. Mr Gharge, learned counsel for the petitioner, submits that the petitioner proposes to withdraw the main suit out of which the instant writ petition arises and, therefore, he prays for withdrawal of this petition with liberty to the petitioner to apply before the lower Court for withdrawal of the suit with liberty to file fresh suit. The writ petition is allowed to be withdrawn.

2. It is open for the petitioner to apply for withdrawal of the suit bearing Regular Civil Suit No.178 of 1987 before the trial Court seeking liberty to file fresh suit. By allowing the petitioner to make an application as aforesaid, I shall not be understood to

have expressed any opinion as to whether such liberty should be granted or not. The trial Court to consider and decide the application, if made, on merits in accordance with law.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)